

TOWN COUNCIL
Town of Trumbull
CONNECTICUT
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TOWN HALL
Trumbull

TELEPHONE
(203) 452-5005



LEGISLATION & ADMINISTRATION COMMITTEE
MINUTES
JANUARY 27, 2014

The Chair called the Legislation & Administration Committee to order at 8:00 p.m. All present joined in a moment of silence and the Pledge of Allegiance.

Present: Suzanne Testani, Chairman, Enrico Constantini, Vice Chairman, Joseph Pifko and Daniel Marconi, Edna Colucci, Patrick Helfrich, and Ken Martin, Sr.

Absent: Thomas Christiano.

Also Present: Carl A. Massaro Jr., Town Council Chairman, Lynn Arnow, Chief of Staff, Town Council Members Cindy Penkoff, Vicki Tesoro, Chairman of the Planning and Zoning Commission Tony Chory, Planometrics consultant Mr. Shuler, Town Attorney Mark Kovac, Attorney Reilly representing Mrs. Krisak's, Planning and Zoning Chairman Tony Chory, Glenn Shollner of the firm Planometrics and Brian Dailey Boy Scout.

1. RESOLUTION TC25-30: Moved by Mr. Marconi Seconded By Mr. Pifko.

BE IT RESOLVED, That the Town Attorney is hereby authorized to settle a matter known as Krisak v. Estate of Rufus T. Rockwell, et al and the First Selectman is authorized to execute any and all documents reasonable and necessary thereto.

Attorney Kovac explained the lawsuit is a quiet title action with regard to a property known as Hawley Avenue more recently known as Temple Street. This piece of property is a paper road. The road has never formally been accepted by the Town and there are public records to that effect. An adverse possession claim is unusual for a municipality. The general rule is that one cannot acquire title of property that has been owned by a Town by adverse possession but there is an exception to the rule based on a Supreme Court case. This case falls within the exception. The Krisak's own property by deed surrounded by the road called Hawley Avenue. Their ownership dates back to 1926 as represented by record map number 67, (Attached).

Moved by Mr. Constantini, seconded by Mr. Martin to enter into *EXECUTIVE SESSION* to discuss pending litigation. Vote: Motion CARRIED unanimously.

The Legislation & Administration Committee entered into Executive Session with members Suzanne Testani, Enrico Constantini, Joseph Pifko, Edna Colucci, Patrick Helfrich, Daniel Marconi, Ken Martin, Town Council Chairman Carl A. Massaro, Jr., Chief of Staff Lynn Arnow, Town Attorney Mark Kovac, Town Council Members Vicki Tesoro and Cindy Penkoff present at 8:03 p.m.

Moved by Mr. Costantini seconded by Ms. Colucci to end Executive Session. Vote: Motion CARRIED unanimously. The Legislation and Administration Committee ended *EXECUTIVE SESSION* at 8:40 p.m. Vote: Motion CARRIED unanimously.

Vote: 6 - 1 (AGAINST: Martin)

2. RESOLUTION TC25-32: Moved by Mr. Pifko, seconded by Mr. Martin.
BE IT RESOLVED, That the final Plan of Conservation and Development adopted by the Planning & Zoning Commission be and is endorsed by the Town of Trumbull Town Council.

Mr. Schollner of Planometrics explained the plan is a result of public input, research, investigation of the community's demographic trends, and changes in the age composition. It was recognized that Trumbull has a certain character and is important for the community to protect it. To guide future community development preliminary design guidelines have been prepared for P&Z to consider for adoption. These guidelines were developed based on a visual online survey completed by residents. The plan includes guidance on residential development since most of the community is zoned for residential use. The Town's age composition is changing significantly. Seniors want different types of housing styles. These are different from what has been available historically. This has been addressed through the land-use regulations. There are specific recommendations with regard to economic development such as: To make better use of the business zoning, community facilities, and transportation. There was strong support for the Pequonnock Trail, Open Space, Greenways and Pedestrian Activity. There are specific strategies for the Planning and Zoning Commission as well as other groups to make the plan a reality. Mr. Chory explained for the Chair that the public input was gathered through a series of meetings:

1. A community outreach meeting.
2. A joint meeting with the land-use boards where they encouraged comments.
3. A computer survey.
4. A series of Planning and Zoning Commission meetings which were open to the public.

Key items/areas with regard to economic development are as follows:

- Existing nonconformities (i.e. PJ's Garden Exchange, the Town needs to put something back in its place that looks like it and be able to control it).
- Long Hill Green
- Town Hall
- Trumbull Center (revitalization)

Trumbull has always been distinguished by tree-lined main roads. Trumbull has done well with medical facilities in recent years, this will be built on. Moving forward, the commission would like to lock down like-zones because there are some existing nonconformity and underdeveloped areas. There is a strong recommendation for a facilities assessment.

Mr. Pifko complemented the quality of the work behind the plan. Mr. Schollner explained for Mr. Pifko that greenways were widely supported by residents. The State is in the process of studying the possibility of a Greenway along the Merritt Parkway. If the Pequonnock River Trail could be connected to the Town's centers this would provide an opportunity for recreation and for pedestrians and bicyclists to get around town in new ways. There are opportunities in the future to extend this via water course corridors and greenways. Extending the Pequonnock River Trail into other communities and into the community's centers would be a positive accomplishment in the

next 10 to 20 years. Mr. Martin spoke in favor of the plan in terms of its goals but noted the plan is broad and would like to see specifics. Mr. Chory explained for Mr. Martin that the POCD is a P&Z controlled document and did receive input from the other commissions. The Greater Bridgeport Regional Planning Agency has plans for the Pequonnock River Trail. The Trail is controlled by grants and studies done by the Greater Bridgeport Regional Planning Agency with some cooperation by the Town. Mr. Chory indicated for Mr. Martin that he has not gotten a definitive answer on the timeframe for Pequonnock River Trail project. Mr. Schollner added that the long term vision is to make connection of the trail a reality, sometimes that is what planning is about. It does not get specific in terms of exactly how these steps will occur but the long-term vision allows the implementation to adapt to the opportunities that are arise and the situations that dictate. Mr. Martin spoke against the existing Town gateways. There is no distinction between leaving Trumbull and entering Bridgeport and/or Stratford. The Pequonnock River Valley is one of our main natural resources and noted that it is not attractive. The Town agencies have to have better communication with the State with identifying its attractions. Mr. Schollner stated that Trumbull enjoys a wonderful reputation within the region. Enhancing gateways is something the Trumbull can work on over the next 5 to 10 years. Mr. Martin spoke in favor of supporting the plan but noted it should have more specifics on how it will be implemented and would like to see more cooperation with the State in terms of them helping the Town since they own a vast portion of the land. Outreach to other commissions in the Town would be important.

Mr. Schollner indicated for Mr. Massaro that the Greater Bridgeport Regional Agency has 65 days to provide comment. The hearing is scheduled for March 12, 2014. If any comments are received prior to the full Town Council meeting scheduled for February 3, 2014 he will forward them to the full Council. On pages 64 through 68 of the plan are the sections that look at housing options. Incentive Housing Zone is a program where the Town is encouraged to look at opportunities that provide different housing types and styles at appropriate densities. The application would be consistent with the recommendations in the plan. The words Incentive Housing Zone does not appear in the in the Implementation Table on page 28 although Policy B & C directly tie into the Incentive Housing program.

Vote: Motion CARRIED unanimously.

3. RESOLUTION TC25-09: Moved by Ms. Colucci seconded by Mr. Marconi.
BE IT RESOLVED, That Section 5, Order of Business of the Town Council Rules and Procedures is hereby amended to include Public Comment. (Full Resolution Attached)

Ms. Colucci stated after having reviewed the full resolution the language is broad and believes there is a way to balance the need to efficiently conduct business at the Town Council meetings with the need to have public comment by amending the language to make it more specific.

Mr. Martin suggested reading the full resolution.

Moved by Mr. Martin seconded by Mr. Marconi to read the full resolution.

Vote: Motion carried unanimously.

Ms. Colucci read the full resolution of the record as follows:

RESOLUTION TC25-09: BE IT RESOLVED, That Section 5, Order of Business of the Town Council Rules and Procedures is hereby amended to include Public Comment;
4) Public Comment

(A) The Town Council welcomes comments from the public. On the agenda of each meeting of the Town Council, a period shall be set aside and designated as an opportunity for the public to address the Council on any issue of importance to the Town. Each speaker will be allowed an opportunity to speak for a maximum of five minutes. Speakers are not permitted to yield any portion of their time to another speaker(s). Any citizen so speaking shall identify him/herself by name and address, and if the speaker is speaking for a group or organization, she/he may so state. Citizen comments will be accepted as presented. Written statements presented by speakers during the public comment section shall be included in the minutes of the meeting. Immediate replies to questions/concerns should not be expected (Chairman's discretion). The Town Council will not permit any expression of personal complaints or defamatory comments about Town Council members nor against any person connected with the Town of Trumbull or any other individual, firm or corporation.

Mr. Martin stated that public comment is important. He has been present at meetings of the Council as a resident where public comment was not allowed and believes that to be a certain disadvantage. He was directed to speak at the committee level and was satisfied with regard to that. Further discussion of how this resolution will be crafted is necessary. The language is broad.

Moved by Mr. Martin seconded by Mr. Pifko to postpone.

Ms. Tesoro stated the resolution was postponed from the January Town Council meeting to committee to review and questioned why the resolution was being postponed again and there are no suggestions to specify. Mr. Martin indicated he was not ready to make a decision on how the resolution is crafted. Ms. Tesoro noted that it has been a month and questioned why there were no suggestions. Mr. Martin spoke in favor of public comment at the committee level it is an opportunity to speak to the topic and to use the time efficiently. Mr. Marconi stated the resolution as written does include specifics such as the time the time limit of the speaker etc. The Chair stated a detailed list of municipalities in Fairfield County that allow public comment was given out at last month's committee meeting. One of them was Stratford, where people are allowed to get up to speak but there are no Council members present. Each town has a different way of allowing public comment. It is the Chair's opinion that five minutes is too long and spoke in favor of re-crafting the resolution. Mr. Costantini reiterated that at the last committee meeting a list of municipalities who allow public comment was distributed. He did look at Stratford's language but has not had an opportunity to look at the others and spoke in favor of seeing how other communities balance the need for public comment with the Council's need to efficiently get its business done within the time constraints of starting meetings at 8 PM. Ms. Tesoro stated that that is a huge job. Ms. Tesoro indicated that there was not one town (with the exception of New Canaan only because she cannot find it) that did not allow public comment at their regular Town Council meetings. Ms. Tesoro questioned what the committee's timeframe. Ms. Colucci stated she would like to see it resolved as soon as possible, however she would like to do research and see what other towns are doing. Ms. Tesoro indicated for Ms. Colucci that some of the town's do allow for other than five minutes per speaker, some allowed three, some allow for two, Westport allows multiple times, Monroe allows for comment at the beginning and at the end of their meetings. There were some towns that it appears there was no restriction to time at all. Ms. Tesoro did not research to the level to be able to give that specific information to the committee. Mr. Marconi suggested the committee decide on which towns to research. Ms. Colucci noted that that is only a piece of the resolution that needs to be addressed. Ms. Tesoro stated that the two other main boards in town, the Board of Education in the Board of Finance allow for public comment and questioned why the Council would not allow public comment since it can be restricted any way by means of this resolution. Ms.

Colucci stated public comment is important. An important question as to how this needs to be outlined needs to be addressed. Ms. Colucci spoke in favor of doing this as soon as possible. Mr. Martin agreed that it should be done sooner rather than later. The Chair noted that the resolution is not time sensitive. They are asking for more time to do more research. Ms. Tesoro agreed there is no time sensitivity issue. Mr. Pifko spoke in favor of public comment and indicated that it is more important to do this right than to do it quickly. It is never been done before it has to be looked at carefully and spoke in favor of not rushing it. Ms. Colucci agrees with Mr. Pifko and believes that if it's going to be enacted it needs to be done well. Ms. Tesoro explained that she had pulled the language from other communities. Mr. Helfrich questioned what forum would be necessary in order to detail this. Mr. Constantini added that he has not seen other language to date. Ms. Tesoro stated she did not believe that this involves so much.

Vote: Motion CARRIED 5 - 2 (AGAINST: Marconi and Helfrich).

There being no further business to discuss the Legislation and Administration Committee adjourned by unanimous consent at 9:30 p.m.

Respectfully Submitted,

Margaret D. Mastroni, Town Council Clerk

TC25-09 FULL RESOLUTION

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map #67

Sixth Parcel V. 128, P. 123
Fifth Parcel V. 118, P. 102 V. 60, P. 63
Fourth Parcel V. 88, P. 226

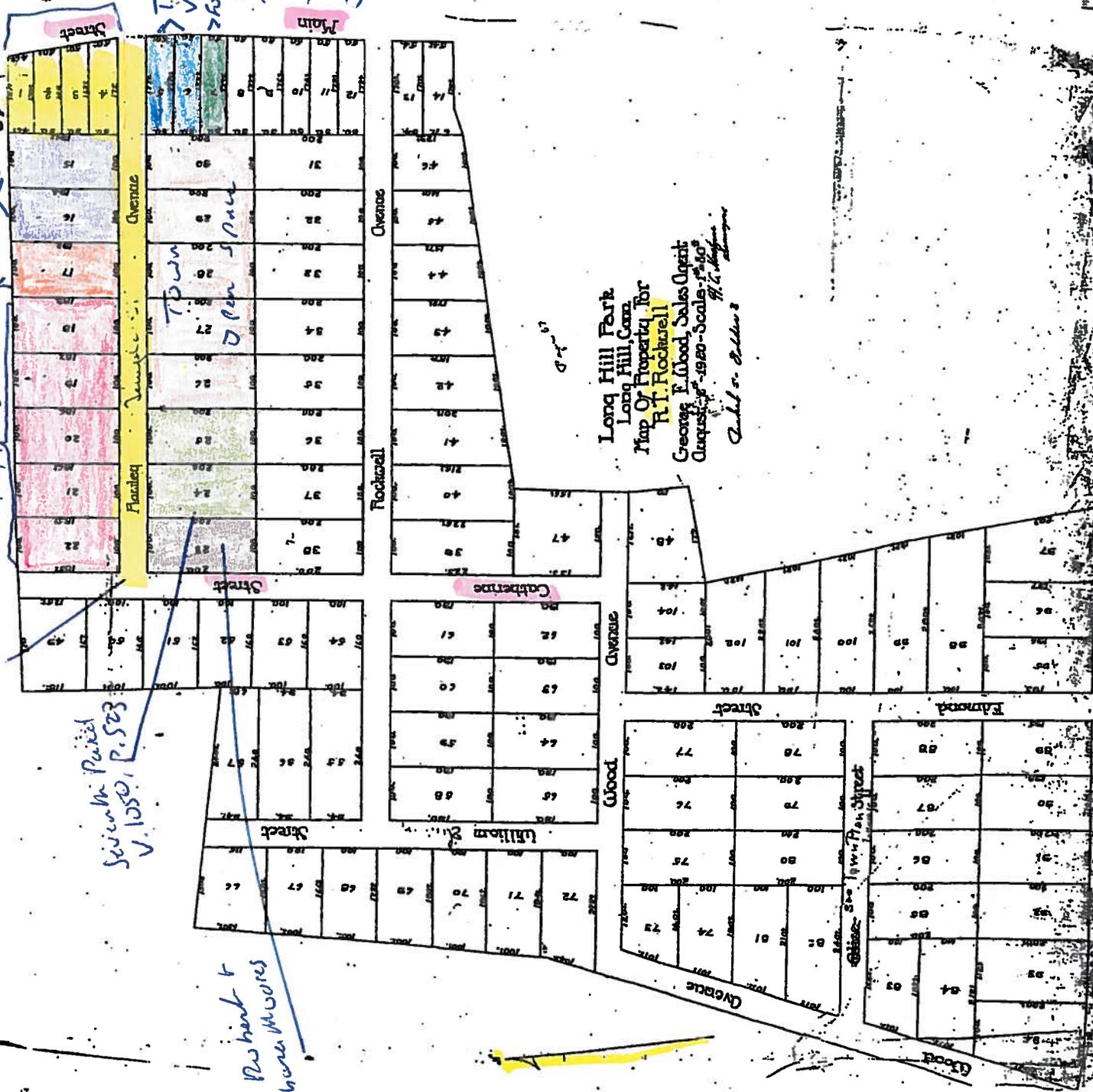
First Parcel V. 26, P. 472

Third Parcel V. 143, P. 406
Fourth Parcel V. 60, P. 63

Seventh Parcel V. 1050, P. 503

Richard & Barbara Moore

(Route 111)



Long Hill Park
 Long Hill Camp
 Map Of Property for
 R.T. Rockwell
 George F. Wood, Sales Agent
 August 1920 - Scale 1" = 40'
 G.F. Wood

2/5/10